

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**DAVID D. WILBON, RICO M. WILBON,
and GEORGE J. SMITH,**

Plaintiffs,

V.

**JOSEPH M. PLOVANICH, OFFICER
MILLAN (Star # 6082), KEVIN A. GRANEY,
ROBERT MANGAN, MICHAEL T.
KARCZEWSKI, SARAH McDERMOTT,
NOEL ESQUIVEL, ANTONIO J. VALENTIN,
MARK A. KUSHINER, JORGE CERDA,
ARMANDO SILVA, JR., RAFAEL S. GARCIA,
J. J. GORZKOWSKI, UNKNOWN OFFICERS
OF THE CHICAGO POLICE DEPARTMENT,
and CITY OF CHICAGO,**

Defendants.

)
)
)
)
)
)
) **Case No. 12 C 1132**
)
) **Judge Marvin E. Aspen**
)
) **Magistrate Judge Geraldine Soat Brown**
)
)
)
)
)
)
)
)
)

**PLAINTIFFS' MOTION FOR ORDER EXTENDING DEADLINE FOR
PLAINTIFFS TO RESPOND TO DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, AND ALLOWING PLAINTIFFS TO FILE A MEMORANDUM IN EXCESS
OF 15 PAGES AND FILE MORE THAN 40 STATEMENTS OF ADDITIONAL FACTS**

Plaintiffs, DAVID D. WILBON, RICO M. WILBON, and GEORGE J. SMITH, by and through their attorney, Irene K. Dymkar, move the Court for an order extending the deadline for plaintiffs to file their response to defendants' motion for summary judgment, and allowing plaintiffs to file a memorandum in excess of 15 pages and file more than 40 statements of additional facts. In support of this motion, plaintiffs state:

1) This action was commenced by the filing of a complaint alleging a cause of action under the Civil Rights Act of 1871 (42 U.S.C. §1983), to redress deprivations of the civil rights of plaintiffs through acts and/or omissions of defendants committed under color of law.

2) On November 21, 2013, plaintiffs filed a motion to strike defendants' memorandum of law in support of their motion for summary judgment for exceeding the page number limit set by local rule and for exceeding the number of statement of facts allowed. Alternatively, plaintiffs moved to extend the time in which to file a response. *Document 196*.

3) The Court issued an order instructing defendants to respond to plaintiffs' motion to strike by December 5, 2013, and plaintiffs to reply by December 10, 2013. *Document 199*.

4) The Court also issued an order setting December 30, 2013, as the deadline for responses to dispositive motions to be filed. Under this same order, the Court set January 10, 2014, as the deadline for replies to be filed. *Document 200*.

5) As plaintiffs' counsel informed the Court in its motion (Document 196), due to a recently discovered medical problem, plaintiffs' counsel is scheduled to have surgery on December 11, 2013, which will require her to be on medical leave until January 6, 2014, during which time she will not be in the office and she will not be able to use a computer. Thereafter, when counsel returns to work, she will have a limited workday to allow for extended rehabilitation. Counsel will also be facing a backlog of work upon her return to the office.

6) Defendants have filed a 35-page memorandum of law and 120 statements of fact in support of their motion for summary judgment. It will be an arduous and time-consuming task for plaintiffs to respond to a motion of this magnitude.

7) Because of the unexpected medical situation of plaintiffs' counsel, and the size of defendants' motion, plaintiffs' counsel cannot comply with the schedule set by the Court (responses due December 30, 2013, and replies due January 10, 2014). Given the schedule of recovery as plaintiffs' counsel now knows it, she will need until February 3, 2014, to complete her response to defendants' motion.

8) If the Court accepts defendants' oversized memorandum and statement of facts, plaintiffs request that plaintiffs also be allowed to file a 35-page memorandum of law, and be allowed to file 80 statements of additional facts. Defendants are seeking a dismissal of all defendants and all claims in plaintiffs' complaint, and plaintiffs will need the extra pages and statements to adequately address all issues.

WHEREFORE, plaintiffs respectfully request that the Court grant an order extending the deadline for plaintiffs to respond to defendants' motion for summary judgment to February 3, 2014, and allowing plaintiffs to file a memorandum in excess of 15 pages and file more than 40 statements of additional facts, as set forth herein.

Dated: December 6, 2013

/s/ Irene K. Dymkar
Irene K. Dymkar

Plaintiffs' Attorney:

Irene K. Dymkar
300 W. Adams Street, Suite 330
Chicago, IL 60606-5107
(312) 345-0123